

STAFF COMMENTS: 08/10/10

**REMINDER FOR COMMISSIONERS TO STATE THEIR NAME BEFORE SPEAKING.
REMINDER FOR STAFF TO COME TO THE PODIUM WHEN SPEAKING.
REMINDER TO TURN OFF ALL CELL PHONES DURING THE MEETING...**

ITEM 1. ::Review :: Staff comments for the commissions review included herein.

ITEM 2. ::Action Item: Administrative:: As per the Planning Commission Procedures, the Planning Commission should have elected a Chairman and Vice-Chairman, during the first regularly scheduled meeting in August. The Chairman will be elected from the duly appointed members of the Commission by a majority of the total membership. Both Chairman and Vice-Chairman may be elected to subsequent terms.

ITEM 3. ::Review : No Action:: For the past year John Willie has been working on the General Plan, reviewing the last 2 sections at the previous meeting. He is ready to review the 1st Appendix. General Analysis of Each Wilderness Area, individual Community Maps and The General Plan Map, all of which are portions of the Washington County General Plan of 2010. The commission should be ready to make comments on outline submitted to you at the previous meeting and again as an e-mail. All maps will be presented at the meeting. (See wilderness portion included herein)

ITEM 4. ::Action Item: Recommendation:: The commission reviewed this item at length previously as a discussion item. The commission has received letters from property owners and further information from Mr. Poppitt regarding the poles installed. (See letters and e-mail included herein) As previously reported, both applicants are amateur HAM Radio operators, who installed two poles within the setback area of their properties in Central. Mr. Bissell would also like to install a 14' - 45' free standing crank up tower, with a bolted steel base to a concrete slab. The adjacent neighbor, Evan and Bridget Jones, have written a letter indicating they have no problem with the pole erected near their property line. As reviewed previously, one of Mr. Jensen's poles may be installed on Forest Service property and they will be doing a survey to clarify if there is encroachment on their land. That particular poles meets the height requirement at 34 feet. As reported previously, the staff attorney has reviewed the Memorandum Opinion and Order before the Federal Communications Commission on Federal preemption of state and local regulations pertaining to Amateur radio facilities. This is being reviewed conditionally on exceptions to height limitations (10-13-12 County Code). ***EXCEPTIONS TO HEIGHT LIMITATIONS: Subject to conditional use approval of the planning commission, and approval of the county commission, penthouse or roof structures for the housing of elevators, stairways, tanks, ventilating fans or similar equipment required to operate and maintain the building, and fire or parapet walls, skylights, towers, steeples, flagpoles, chimneys, smokestacks, water tanks, wireless or television masts, theater lofts, silos or similar structures may be erected above the height limit herein prescribed, but no space above the height limit shall be allowed for purposes of providing additional floor space. (Ord. 2001-815-O, 12-17-2001, eff. 12-17-2001).*** The maximum height regulation is 35 feet without a conditional use permit. (See photos documentation included herein) The commissioners requested a check list for reviewing these types of uses conditionally. Dean Cox is working of the formula portion of this check list included herein for the meeting on Tuesday.

COUNTY CHECK LIST

FCC recognizes the national need for amateur radio in the event of an emergency allowing for reasonable and practicable regulations (accommodations). Ensure consideration is well documented and make Facts and Findings.

Safety: Balance health, safety, and welfare of the citizens of the county.

- ☐ The fall zone may not encroach on neighbors without a waiver
- ☐ Building Permit required
- ☐ Engineering required for permitting process to ensure safe installation.
- ☐ Importance of having the poles maintained and removed if not in use. (*Wind Energy Ordinance: Any system which is not used for one (1) year, excluding up to six months for repairs, shall be removed within the following six months. Failure to remove the system shall be deemed a violation.*)

Technical Information: Antenna height required to operate at licensed frequency being site specific.

- ☐ Retractable or solid antenna?
- ☐ Short wave frequency being operated on?
- ☐ Frequency licensed to operate on?
- ☐ Formula necessary for determining optimal height:
 - ☐ General Class ☐ Extra Class ☐ Other
- ☐ Reasonably accommodate the radio operator's interests with those of zoning.
- ☐ The zoning authority may attempt accommodation by requiring retractable antennas, limiting hours of operation, and restricting height to that shown to be technically necessary for the type of amateur radio station licensed by the FCC.

ITEM 5. ::Action Item: Recommendation:: A previous owner installed three (3) RV pedestals for private recreation use prior to selling his property, without approval of a Conditional Use Permit. Now it is under new ownership and Rocky Mountain Power is installing new distribution lines, the applicant has submitted a site plan that includes the location for RV pads. The septic system for the 2nd dwelling for hired hands (bunk house), which was approved by planning staff on July 27th and these additional temporary use facilities have been installed and approved by the Southwest Utah Public Health Department. With the previous review, it was documented that there was ample culinary water from a private well for these uses. (See site plan and documentation enclosed)

ITEM 6. ::Review : Education : Administrative Action:: For insurance purposes, the Planning Commission needs to review their procedures and rules of order as part of an ongoing education program, which will benefit the County. If you will read both documents prior to the meeting, and if you have any questions or concerns we can address those at the meeting. (See documentation included herein)

ITEM 7. ::No Action:: Staff decisions from the Land Use Authority Staff Meeting five (5) Conditional Use Permit Extensions and one (1) Conditional Use Permit . (Minutes attached)

ITEM 8. ::Action Item: Administrative:: Copy of minutes will be available at the meeting if not

included herein.

ITEM 9. Action taken on Planning Items by the Washington County Commission on August 3, 2010, beginning at 4:00 p.m.: (a) Conditional use extensions on crushing operation: (1) near Veyo, Utah in Section 11, T40S, R17W, SLB&M; and (2) Frei Pit in Section 36, T41S R17W, SLB&M located south of Ivins... Progressive Contracting Inc., applicant.; (b) Conditional use extension to install a proposed 100' lattice tower within the RA-1 zone, on 1 acre of land owned by the Theresa Haury, in Veyo... Atlas Tower, LLC, Tower Owner and WiBlue, Inc./Nathan Foster, applicant; (c) Conditional use to install a proposed 100' lattice tower within the RA-1 zone, located near the water tank, on land owned by the Washington County Water Conservancy District, in the Cliff Dweller's subdivision... Atlas Tower, LLC, Tower Owner and WiBlue, Inc./Nathan Foster, applicant; (d) Conditional use extension on an Ultra-marathon event, Red Mountain 50K, which begins west of Central on dirt roads and runs south of Red Butte to Gunlock, then on to the Shivwits Reservation along Old Hwy. 91 to Ivins on April 23, 2011... Red Mountain Running LLC/Jeremy Frehner, applicant; (e) Conditional use for 50k, A Hurricane Jem one-half and full Marathon Trail on BLM Land east of Hurricane and south of the Virgin River... Jeremy Frehner, applicant and Phil Packard, agent; (f) Ordinance amendment of changes to Title10, Chapter 4-1: Definitions: Accessory Building and Accessory Dwelling Unit... County initiated: and (g) Ordinance amendment on changes to Title10, Chapter 10-2 & 4: Caretakers dwelling - permitted C-2; delete G; and re-lettering G thru I. County initiated.

ITEM 10. General reporting on various topics. Any report or topic under this line item needs to be noticed, as per State Code. **Please schedule items for this agenda line item with the Land Use Authority Office no later than 10:00 a.m. on the 1st and 3rd Wednesdays of each month.**